IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 4630 of 2006(A)

PETITIONER:

MADHAVIKUTTY,
W/O. LATE N. KRISHNA PANICKER, AGED 83 YEARS,
KELLOTH HOUSE, POST ERAVATHUR (VIA), PERAMBRA,
CALICUT.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS:
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1. **UNION OF INDIA,**
   REPRESENTED BY THE SECRETARY, MINISTRY OF
   HOME AFFAIRS, NEW DELHI.

2. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY,
   GENERAL ADMINISTRATION (FFA-A) DEPARTMENT,
   THIRUVANANTHAPURAM.

3. **THE DISTRICT COLLECTOR,**
   CIVIL STATION, KOZHIKODE.

BY ADV. SRI.A.JAYASANKAR, ADDL.CGSC
BY GOVERNMENT PLEADER SRI.K.V.MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.4630/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT. 20.10.76 OF THE STATE GOVERNMENT .

EXT.P2:- COPY OF THE EXTRACT OF UNDER TRIAL PRISONERS REGISTER.

EXT.P3:- COPY OF THE PERSONAL KNOWLEDGE CERTIFICATE ISSUED BY LATE N.K.DAMODARAN NAIR.

EXT.P4:- COPY OF THE EXTRACT OF THE REGISTER OF FREEDOM FIGHTER ISSUED BY THE SUPERINTENDANT , DISTRICT JAIL, KOZHIKODE.

EXT.P5- COPY OF THE REPRESENTATION DT. 17.5.05 SUBMITTED BYU THE-PETITIONER BEFORE THE 3RD RESPONDENT.

EXT.P6:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE UNDER SECRETARY TO GOVERNMENT OF INDIA , MINISTRY OF HOME AFFAIRS NEW DELHI.

/TRUE COPY/

P.A. TO JUDGE

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T.R.RAMACHANDRAN NAIR, J.

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WP(C).No.4630 of 2006-A.

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Dated this the 8th day of August, 2007.

J U D G M E N T

The petitioner is an applicant for grant of pension under the Swathantra Sainik Samman Pension Scheme framed by the Central Government. She is the widow of late Sri.N.Krishna Panicker. The State Government had sanctioned pension under the Kerala Freedom Fighters Pension Rules as evidenced by Ext.P1 to the petitioner. She applied for SSS Pension on 20.11.1980. The said application was rejected for two reasons; firstly, that the imprisonment is less than six months and secondly, that the Government of Kerala has not recommended the petitioner's case to the Central Government. It is submitted that she had been successively submitting representation before the authorities and pursuing the applications but without any result.

2. It is the case of the petitioner that her husband was actively participating in the freedom struggle/movement and an active worker of Indian National Congress and also had organised the struggles Salt Sathyagraha and Quit India Movement. He was under police custody on several times and was finally convicted also. There was a warrant of arrest against him pursuant to which he had gone underground for more than six

months. Finally he was arrested and detained in the prison for more than two months. The petitioner has produced Ext.P2 the true extract of the under trial prisoners register to prove the same. Ext.P3 is the personal knowledge certificate from a freedom fighter who was a holder of Thamrapathra issued namely late Sri.N.K.Damodaran Nair and Ext.P4 is the extract of the convict register relating to the certifier.

3. Ext.P5 is a fresh representation submitted by the petitioner to the District Collector and Ext.P6 is the one submitted before the Government of India. Aggrieved by the inaction on the part of the respondents the petitioner has approached this Court for the various reliefs sought for in the writ petition.

4. The claim of the petitioner has not been considered so far on its merit after she had forwarded required certificates and the application by any of the respondents. No counter-affidavit has also seen filed in this writ petition by the respondents. It is a case where she is a recipient of State Pension and she has been waiting for a long period for awarding Central Pension also. Going by the SSS Pension application, the same has to be forwarded by the State Government to the Central Government with appropriate recommendation. Therefore, there will be a direction to the 2nd and 3rd respondents to forward the application Ext.P5 along with Ext.P6 produced therein and the records accompanying the same with due

recommendation of the first respondent within two months from the date of receipt of a copy of this judgment. The first respondent will pass appropriate orders thereon within a further period of three months from the date of receipt of the application and the records from the State Government.

The writ petition is disposed of accordingly. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-